



ZFW
AFS
Attorney Docket No. 088305-0145

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Timothy Allen Shear

Title: AUTOMATED METHOD, SYSTEM AND
SOFTWARE FOR STORING DATA IN A
GENERAL FORMAT IN A GLOBAL NETWORK

Appl. No.: 10/042,260

Filing Date: 1/11/2002

Examiner: Kyle R. Stork

Art Unit: 2178

Confirmation 6248

Number:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the **Pre-Appeal Brief Conference Pilot Program**, announced July 11, 2005, this Pre-Appeal Brief Request is being filed. A Notice of Appeal is being filed concurrently herewith.

The following rejections are being presented for review. The rejection of claims 1, 4-6, 9, 12-14, 18-20, 24-26, 29, 32, 33, and 35 under 35 U.S.C. § 103(a) as being unpatentable over IBM Technical Disclosure Bulletin (hereafter “IBM TDB”) and further in view of U.S. patent 5,446,883 to Kirkbride et al.. (hereafter “Kirkbride”). The rejection of claims 2, 15, and 22 under 35 U.S.C. § 103(a) over IBM and Kirkbride, further in view of U.S. patent 6,393,442 to Cromarty et al. (hereafter “Cromarty”). The rejection of claims 8, 10, 11, 25, 30, and 31 under 35 U.S.C. § 103(a) over IBM and Kirkbride further in view of U.S. patent 6,519,571 to Guheen et al. (hereafter “Guheen”).

With respect to the pending independent claims 1, 14, and 20, as acknowledged in the final office action, the IBM TDB does not disclose the combination of (1) automatic triggering of a propagation of a predetermined event on the node set, to a registered partner, over a global network, and (2) wherein the predetermined event is an update of the node set that is derived from a document previously sent by the trading partner. In order to cure this deficiency of the IBM TDB, the final office action relies on Kirkbride.

Kirkbride relates to distributed call management for an expert system, where the expert system is used to solve recurring problems. See column 1, lines 14-60. However, Kirkbride has nothing to do with "parsing said received document ... into a constituent node set." Kirkbride also has nothing to do with "semantically-tagging, indexing and storing the node set." Kirkbride further has nothing to do with "automatically triggering a propagation of a predetermined event on the node set ... wherein the predetermined event is an update of the node set." Rather, Kirkbride provides a notification of an update to users who have an interest in a solution document not of a node set, but rather the document itself.

"Notify link register 28 records the mapping between user table register 25 and the incident solution in acyclic graph data base 27. This linkage maintains a list of all users who have an interest in a specific document, enabling notification of users when a change or update to the document is created. Problem link register 29 connects the contents of incident table register 23 to corresponding solution documents in acyclic graph data base 27. This linkage is useful to the system administrator for showing which solution documents were retrieved for various incidents or problems posed to inquiry computer 10. One example of the use of this linkage would be if a non-optimal solution document was continually being retrieved for a recurring problem or incident. Recognizing this pattern from the data stored in problem link register 29, the data owner could take action to either improve the solution document or restructure acyclic graph paths 36 so that a more useful solution to the given problem is found." Kirkbride, column 4, lines 29-47.

Still further, Kirkbride has nothing to do with automatically triggering

the propagation to trading partners (over a global commerce network) of a predetermined event that is an update of a node set derived from a previously sent document from a trading partner.

See, for example, paragraphs 71-72 and 74-77 in the specification with respect to support for these claimed features in the specification. These features provide the advantage that related or *registered trading partners* are *automatically* updated when any *changes* are made to a node set. See paragraph 79 in the specification for these advantages.

Thus, neither the IBM TDB nor Kirkbride discloses the triggering event being not an update to a document, but rather it describes an update to a node set.

In the Advisory Action, the Examiner asserts (in the Continuation page to the Advisory Action) that “Kirkbride discloses storing the records of users in a table register (column 4, lines 29-47). Upon update of a document, the users are all notified of the change (column 4, lines 29-47).”

While the above assertion made in the Continuation page of the Advisory Action appears to be true on its face, it ignores the specific features recited in claim 1.

At best, the combination of the IBM TDB and Kirkbride teaches a document that is stored as nodes in a storage (based on teachings of IBM TDB), whereby a change in the document is notified to all users stored in a list (based on the teachings of Kirkbride). This says nothing about an update that is derived from a document previously sent by a trading partner. Rather, Kirkbride merely describes a method in which, when a solution document is updated or changed, all users on a list of users are notified of the change (see column 4, lines 29-47 of Kirkbride). The change of the solution document in Kirkbride is not derived from a document previously sent by a trading partner (or by any other entity for that matter), and thus it fails to meet the specific features recited in claim 1.

Therefore, the final office action fails to make a *prima facie* case of obviousness with respect to the independent claims (whereby independent claims 14 and 20 recite similar features to those highlighted above with respect to claim 1), as required by section 103.

The dependent claims are also patentable for at least the same reasons as the independent claims on which they ultimately depend. They also recite additional limitations for their patentability when considered as a whole. See in particular claims 12 and 32, which recite: "appending at least one node of said node set of said received second document to said document previously stored in said data store." See also claims 13 and 33, which recite: "further comprising triggering a propagation of an event to the registered partner, over the global commerce network, by the storing or appending of at least one of said nodes of said second document stored in said data store."

None of the above features related to appending of a node and/or the storing of a node of a node set of a received second document stored or previously stored in a data store, are taught or suggested by the cited art of record, when taken as a whole.

Accordingly, all of the presently pending claims are believed to patentably distinguish over the cited art of record.

Respectfully submitted,

Date September 21, 2006

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

By William J. Articola

William T. Ellis
Attorney for Applicant
Registration No. 26,874

Phillip J. Articola
Registration No. 38,819